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SEP 27 2007

PATENT
Attorney Docket No. 01064.0011-13-000
Customer Number 34,986

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Richard LEVY)	
)	
Serial No.: 10/733,419)	Group Art Unit: 1764
Filed: December 11, 2003)	
)	Examiner: Ellen M. McAvoy
For: LUBRICANT COMPOSITIONS)	
AND METHODS)	

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDED TERMINAL DISCLAIMER

Assignee, Lee County Mosquito Control District, amends the Terminal Disclaimer filed July 24, 2007 to include as one of the disclaimed pending patent applications, United States Patent Application Serial No. 10/781,240, in lieu of the inadvertent second inclusion of United States Patent Application Serial No. No. 08/943,125 in the Terminal Disclaimer filed July 24, 2007.

Assignee, Lee County Mosquito Control District, duly organized under the laws of Florida and having its principal place of business at 15191 Homestead Road, Lehigh, Florida, 33971, through its attorneys, represents that it is the assignee of the entire right, title and interest in and to the instant application, in the name of Richard Levy, by assignment of the parent applications duly recorded in the United States Patent and Trademark Office at Reel 7895, Frame 0372 on March 27, 1996.

Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date

Application No.:10/733,419
 Filed December 11, 2003
 Terminal Disclaimer dated September 27, 2007

of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, of United States Patent No. 6,734,147, ["the patent"] and any patent that may issue on co-pending United States Patent application Serial No. /943,125 and/or co-pending United States Patent application Serial No. 10/781,240 ["the co-pending applications"]. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent and/or any patent that may issue on the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent and/or any patent that may issue on the co-pending applications in the event that the patent and/or any patent that may issue on the co-pending applications later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

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Applicant paid the 37 C.F.R. § 1.20(d), fee of \$65.00 (small entity) by means of PTO Form 2038 submitted with the Terminal Disclaimer of July 24, 2007 and requests application of that fee to the filing of this Amended Terminal Disclaimer. The undersigned is an attorney of record.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

Dated: September 27, 2007

By: /Robert J. Eichelburg, Reg. No. 23,057/
Robert J. Eichelburg

CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that I am transmitting this correspondence to the United States Patent and Trademark Office pursuant to 37 C.F.R. § 1.6 (d) at their central FAX number (571) 273-8300 on the date indicated below.

Dated: September 27, 2007

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